crime, an entire family might be exterminated, with the mitigation that sons below the age of puberty were merely to be emasculated. Then, too, although no liability attached for an accidental death, the judgment as to what was accidental at times differed radically from that of the West. Persons were often held culpable for deaths for which in the Occident they could have been adjudged free from blame. Even in the case of some fatalities which were decided to have been accidental those persons who had been the innocent cause were fined or required to make a payment to the deceased relatives. Moreover, the rules of evidence were dissimilar to those in most lands in the modern West, and torture might be used to extract confession from the prisoner—although all but certain forms of it were illegal. From the standpoint of the modern Occident, certain punishments were barbarous, such as beating with a bamboo until the victim's back was badly mangled, and death by slicing the culprit into fragments (prescribed, apparently, not so much for the present suffering it caused as for the erasure, so far as possible, of the criminal from the spirit world by the complete dismemberment of his body). Those condemned to death were sometimes, as an act of clemency, allowed to commit suicide.

Such differences as these were among the causes of friction between foreigners and Chinese officials in pre-treaty days and were urged as reasons for extraterritoriality. It should be remembered, however, that the law provided regular schedules by which penalties might be reduced or commuted, that Chinese punishments and torture were not a whit more extreme than those once employed in Europe, and that as late as the eighteenth century Chi-

nese criminal procedure was probably more humane than that of some of the most powerful of the governments of the Occident. Only with the reform of the laws and prisons of the Occident in the nineteenth century—under the influence of the humanitarian movement—did China fall behind.

Precedent played a large part in legal cases, and, although perhaps not so extensively as in the Occident, there were voluminous compilations of court decisions. An extensive legal literature existed, and magistrates, along with their other duties, were supposed to be sufficiently acquainted with the law to act as judges. However, litigants and prisoners did not employ counsel as in the